IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8510 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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MOHAMED ASIF ABDUL SATTAR MEMON

Versus

REGIONAL PASSPORT OFFICER

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Appearance:

MR MANOJ N POPAT for Petitioner

MR UI VYAS for Respondent No. 1

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CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 18/09/2000

ORAL JUDGEMENT

The learned counsel for the petitioner seeks leave to amend this petition as the petitioner has produced the affidavit of his grand-father Adambhai

Mohmedbhai Memon giving particulars of place of birth and the date of birth of the petitioner. Amendment is granted.

2. Rule. Mr.Vyas, learned Additional Standing Counsel for the Central Govt. waives service of rule for the respondent.

3. In this petition under Article 226 of the Constitution, the petitioner has prayed for a writ of mandamus directing the Regional Passport Officer, Ahmedabad to correct the place of birth and date of birth in the petitioner's passport. Earlier when the petitioner applied for passport based on his school leaving certificate the passport was issued and his date of birth was mentioned as 09.03.1981. Thereafter, the petitioner realised the mistake in his passport when the petitioner obtained birth certificate issued by the Registrar of Births and Deaths, Ahmedabad Municipal Corporation showing that the petitioner was born at near Mota Roja, village Sarkhej in Ahmedabad city and the petitioner was born on 9.3.1979. The petitioner approached the respondent on 12.6.2000 for making corrections in the passport regarding the aforesaid details. However, the authorities did not entertain the request of the petitioner on the ground that orders of the court are required and therefore the petitioner has approached this Court.

4. At the time of hearing of the petition, the petitioner has also produced the affidavit of his grandfater Adambhai Moahmedabad stating that the petitioner was born at near Mota Roja, village Sarkhej in Ahmedabad city taluka and not at Himmatnagar and the petitioner was born on 9.3.79 and not on 9.3.1981. It is stated that the entries made in the school leaving certificate were on the information given mistakenly to the school authorities. It is further stated that his son (petitioner's father) is residing in Saudi Arabia and the petitioner is residing with his grand father.

5. Having considered the averments made in the petition and the averments made in the affidavit dated 9.8.2000 of the petitioner's grand father and the birth certificate issued by the Registrar of Births and Deaths, Ahmedabad Municipal Corporation (on page 10 of the petition) the Regional Passport Officer, Ahmedabad is directed to consider the petitioner's application for corrections in the place of birth and the date of birth in the petitioner's passport on the basis of material which may be produced before him including the affidavit

dated 9.8.2000 of the petitioner's grand father and the birth certificate dated 14.3.1979 issued by the Registrar of Births and Deaths, Ahmedabad Municipal Corporation (on page 10 of the petition) as expeditiously as possible and preferably within one month from the date of receipt of writ of this Court or a certified copy of this judgment, whichever is earlier.

In case the petitioner is required to apply for a fresh passport, the petitioner shall comply with the requisite formalities for the same.

6. The petition is accordingly allowed in the aforesaid terms. Rule is made absolute to the aforesaid extent.

7. Since the respondent is not responsible for the mistakes in question, the petitioner shall pay costs of this petition which are quantified at Rs.1,000/- to the respondent within one month from today.

Direct Service is permitted.

18.9.2000 (M.S.SHAH,J)